



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

January 30, 2019

(Via email and Certified Mail)

**CERTIFIED MAIL**

**NO. 7018 0680 0000 1017 6250**

Mr. James Flad  
Maintenance Superintendent  
Kern County Sheriff Department  
17635 Industrial Farm Road  
Bakersfield, California 93308  
[fladj@kernsheriff.org](mailto:fladj@kernsheriff.org)

**SUBJECT: FAILURE TO COMPLY; UNDERGROUND STORAGE TANK SYSTEM  
LOCATED AT THE LERDO DETENTION FACILITY, 17635 INDUSTRIAL FARM  
ROAD, BAKERSFIELD**

Dear Mr. Flad:

As of the date of this letter, the State Water Resources Control Board (State Water Board) has not received a complete response to our November 26, 2018 Notice of Violation (NOV)(attached). You are directed to correct the ongoing violations identified in the NOV and submit compliance documentation to the State Water Board and Kern County Public Health Services Department within ten (10) days from the date of this letter.

Please send all compliance documentation to the following:

**State Water Board**

Mr. Douglas McDevitt  
UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[douglas.mcdevitt@waterboards.ca.gov](mailto:douglas.mcdevitt@waterboards.ca.gov)

**Local CUPA**

Mr. Bilal Korin  
Supervising Environmental Health Specialist  
Kern County Public Health  
Services Department  
2700 M Street, Suite 300  
Bakersfield, California 93301  
[korinb@kerncounty.com](mailto:korinb@kerncounty.com)

Failure to comply with this notice may result in an enforcement action by the State Water Board. The State Water Board reserves the right to bring an action against the owner and/or operator of the tank(s) in violation, or it may recommend that Kern County Public Health Services Department pursue enforcement, or Kern County Public Health Services Department may elect to pursue enforcement independently.

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

If you have any questions, please contact me at (916) 341-5891, or by email at [matthew.buffleben@waterboards.ca.gov](mailto:matthew.buffleben@waterboards.ca.gov).

Sincerely,



Dr. Matthew Buffleben  
Supervising Water Resource Control Engineer  
Acting Supervisor, UST Enforcement Unit  
**Office of Enforcement**

Attachment: November 26, 2019 Notice of Violation

cc: *(via email only)*

Mr. Bilal Korin  
Supervising Environmental Health Specialist  
Kern County Public Health  
Services Department  
[korinb@kerncounty.com](mailto:korinb@kerncounty.com)

Mr. Christen Iwuchukwu  
Environmental Health Specialist  
Kern County Public Health  
Services Department  
[iwuchukwuc@kerncounty.com](mailto:iwuchukwuc@kerncounty.com)

Mr. David Phillips  
Maintenance Electrician  
Kern County Sheriff's Department  
[phillips@kernsheriff.org](mailto:phillips@kernsheriff.org)



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

November 26, 2018

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
**NO. 7018 0680 0000 1017 6021**

Mr. James Flad  
Maintenance Superintendent  
Kern County Sheriff Department  
17635 Industrial Farm Road  
Bakersfield, California 93308  
[fladj@kernsheriff.org](mailto:fladj@kernsheriff.org)

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM  
LOCATED AT THE LERDO DETENTION FACILITY, 17635 INDUSTRIAL  
FARM ROAD, BAKERSFIELD**

Dear Mr. Flad:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on November 1, 2018, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	<b>Failure to Maintain Financial Responsibility</b> – The Chief Financial Officer letter does not meet financial responsibility requirements, contain the correct language, or include the correct financial test.	Diesel	November 1, 2018	Ongoing	H&SC 25292.2; 23 CCR 2711(a)(11)
2	<b>Failure to Maintain Monitoring or Testing Records</b> – The 2017 annual monitoring certification was not available at the time of inspection.	Diesel	November 1, 2018	Ongoing	H&SC 25293; 23 CCR 2712(b)
3	<b>Failure to Perform Annual Spill Containment Testing</b> – The piping sump containing the fill pipe functions as the primary spill containment. Spill containment testing must be performed every 12 months.	Diesel	June 1, 2018	Ongoing	H&SC 25284.2; 23 CCR 2637.1(a)

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No.	Violation	Tank	Start Date	Stop Date	Regulation
4	<b>Failure to Tag Monitoring Equipment</b> – A current monitor certification tag was not affixed to the UST monitoring panel.	Diesel	April 1, 2018	Ongoing	23 CCR 2638(f)
5	<b>Failure to Record Designated Operator (DO) Report on Correct Form</b> – The DO visual inspection performed on October 9, 2018, was not recorded on the Designated Underground Storage Tank Operator Visual Inspection Report.	Diesel	October 1, 2018	Ongoing	23 CCR 2716(a)(c)
6	<b>Failure to Perform Overfill Prevention Equipment Inspection</b> – The overfill prevention equipment inspection demonstrating overfill equipment will activate at the required level was due on October 13, 2018.	Diesel	October 14, 2018	Ongoing	23 CCR 2637.2(a)(1)

**You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Kern County Public Health Services Department within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.**

Please send all compliance documentation to the following:

**State Water Board**

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UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[douglas.mcdevitt@waterboards.ca.gov](mailto:douglas.mcdevitt@waterboards.ca.gov)

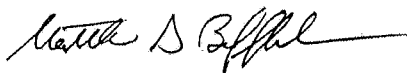
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If you have any questions, please contact me at (916) 341-5891, or by email at [matthew.buffleben@waterboards.ca.gov](mailto:matthew.buffleben@waterboards.ca.gov).

Sincerely,



Dr. Matthew Buffleben  
Supervising Water Resource Control Engineer  
Acting Supervisor, UST Enforcement Unit  
Office of Enforcement

cc: See next page.

cc: *(via email only)*

Mr. Bilal Korin  
Supervising Environmental Health Specialist  
Kern County Public Health  
Services Department  
[korinb@kerncounty.com](mailto:korinb@kerncounty.com)

Mr. Christen Iwuchukwu  
Environmental Health Specialist  
Kern County Public Health  
Services Department  
[iwuchukwuc@kerncounty.com](mailto:iwuchukwuc@kerncounty.com)

Mr. David Phillips  
Maintenance Electrician  
Kern County Sheriff's Department  
[phillips@kernsheriff.org](mailto:phillips@kernsheriff.org)